

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY Caption in Compliance with D.N.J. LBR 9004-2(c)	
STANZIALE & STANZIALE, P.C. 29 Northfield Avenue, Suite 201 West Orange, New Jersey 07052-5403 (973) 731-9393 Attorneys for Trustee, Benjamin A. Stanziale, Jr.	
In Re: Barbara Salvero, Debtor,	Case No. 18-32996-JKS Chapter 7
BENJAMIN A. STANZIALE, JR., TRUSTEE Plaintiff, vs. US Claims OPCO LLC, Defendants,	Adv. Pro. No.

**COMPLAINT TO DETERMINE EXTENT,
VALIDITY AND PRIORITY OF LIENS**

Benjamin A. Stanziale, Jr., the Chapter 7 Trustee in the above-captioned Chapter 7 case and the Plaintiff in this adversary proceeding (the “Plaintiff”), through his attorneys, Stanziale & Stanziale, P.C., for his complaint against US Claims LLC (the “Defendant”) to determine extent, validity and priority of liens, respectfully states and sets forth as follows:

BACKGROUND

1. On November 21, 2018 (“Petition Date”), Barbara Salvero, filed a voluntary petition for relief under Chapter 7 of title 7, United States Code, 11 U.S.C. § 101 *et seq.* (“Bankruptcy

Code”).

2. On the Petition Date, the Debtor had a pending personal injury claim arising out of an accident that occurred on March 3, 2017 (the “claim”)

3. On November 22, 2018 the Office of the United States Trustee appointed Plaintiff to serve as the Chapter 7 Trustee of the Debtor’s estate.

JURISDICTION

4. This adversary proceeding arises in Case No. 18-32996 now pending before this Court.

5. This adversary proceeding arises under Bankruptcy Code Sections 506, 544(a), 545 and 551 and Federal Rule of Bankruptcy Procedure 7001(2).

6. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1334 and 157(b) and other applicable provisions of federal law.

7. This adversary proceeding is a core proceeding as that term is defined in 28 U.S.C. §157(b).

8. Venue of this proceeding in this district is proper under 28 U.S.S. § 1409(a).

THE PARTIES

9. US Claims is an entity with an address of 1221 North Church Street, Moorestown, New Jersey. 08057 and PO Box 5252, New York, NY 10008-5252

COUNT I

10. Plaintiff repeats each and every allegation contained in the foregoing paragraphs of this Complaint as if set forth herein at length.

11. Prior to the petition date, on June 2, 2017 and on December 22, 2017 the Debtor and US claims entered into a “Purchase sale, assignment and equitable lien agreement” and US Claims provided the Debtor with \$11,050.00

12. This “Purchase sale, assignment and equitable lien agreement” is invalid under New Jersey Law.

13. As a result, The Defendant does not hold a valid lien because the law does not permit the Defendant to hold a valid lien against the claim.

WHEREFORE, Plaintiff demands judgment on Count I of this Complaint against the Defendant that the Defendant does not hold any valid liens against the funds from the settlement of the Debtor’s personal injury claim; and (ii) no funds are due Defendant from the settlement and (iii) awarding the Trustee such other relief as this Court deems just and proper.

STANZIALE & STANZIALE, P.C.
Attorneys for Plaintiff

/s/ Benjamin A. Stanziale, Jr.
Benjamin A. Stanziale, Jr.

Dated: May 13, 2020